

Conservation Commission
Minutes of March 24, 2016
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room

Commissioners Present: Brad Sweet, Robert Shaw, Dale McKay, Mark Gurnee

Staff Present: Conservation Agent Drew McManus, Recording Secretary Judy Daigneault

CALL MEETING TO ORDER: 6.01 p.m.

Chairman Brad Sweet called the meeting to order at p.m.

Public

There was no public comment

HEARINGS

6:00 Denise A. Dorado, 154 Wheeler Road. Proposed construction of a new deck, enclosure of existing deck, construction of elevated stairs, removal/replacement of landscape retaining walls, tree removal and mitigation plantings. NOI

Resource Area: [Inland Bank, Land under Waterbodies, Ashumet Pond](#)

Matthew Costa, Cape and Islands Engineering, represented the applicant. The proposed project is to remove landscape stone steps and retaining walls; install two new retaining walls in similar locations. Plans also call for installation of a new 12 by 54 foot deck which will run the entire length of the back of the house. There will also be stairs down the bank. He also noted the pitch pine will need to be removed because it is leaning towards the house. He pointed out where these changes are to be made in photos provided. They will replant the bank and make it more stable. Mr. Costa said he delineated the resource area and calculated the 50 foot buffer on the plan which triggers a waiver requirement. They calculated mitigation which includes a new impervious area along the backside of the house. The replanting of the bank was not included in the mitigation. The mitigation area is located to the south of the property and they will also be adding a couple of cedar trees which meets the mitigation requirements. They are not doing any other alterations to the house except for enclosing the existing deck.

There is a landscape retaining wall that runs along the edge of the beach which is a few railroad ties stacked together. They included this in the scope of work and will be fixing some of the areas that are deteriorating.

The Agent said he took a look at the pitch pine and recommended its removal based on its proximity to the house. He referred to the pictures provided and indicated where the mitigation is proposed. He commented the work is mostly cosmetic improvements. The planting plan looks good with native species. He recommended a close and issue.

No comments from the public

Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. McKay. Vote unanimous 4-0

PRE-POST AGENDA

Minutes: Approve March 10, 2016 Minutes

Motion: Mr. McKay moved to approve the March 10, 2016 minutes, seconded by Mr. Shaw. Vote unanimous 4-0.

Update: DEP superseding Order of Conditions issued for Pinchin, Liatsos & Southwick (118, 124 & 1286 Shore Drive West) Coastal bank stabilization projects. Date of prescreening conference 4/7/16 @ 10:00 a.m.

The Agent notified the members there was a change in the prescreening conference to April 7, 2016 at 10:00 a.m. Mr. Sweet, Mr. McKay and Mr. Gurnee will be attending.

Update: Land Stewardship Program/volunteer initiatives (2016 Herring Count Program)

The Agent stated that the Land Stewardship Herring Count Program has started. Osprey are starting to come back which is a sign that the herring are here. He noted that there is a new parking for the Santuit Pond Preserve off Rte 130. There is a temporary sign at the parking lot until the new signs are delivered. 15 volunteers showed up at the herring count training and another 5 have also signed up. The herring count program takes place at Santuit River, Mashpee River and Quashnet River at Johns Pond. He noted we need more volunteers for John's Pond. The count was low at John's Pond last year but this may partly be attributed to not having enough volunteers counting the herring to get accurate data. The Agent spoke about the brook trout in the Santuit River which may be extinct. This has not been fully confirmed; however, the latest surveys revealed zero counts of brook trout in the mid-lower reaches of the Santuit River

One of the reasons is brook trout are highly sensitive to water temperature change. They are dependent on the cold water seeps for egg laying and when temperature exceeds their range they don't habitat that area any more. It could be a result of water temperature increases and a lot of debris that was removed and the cutting of debris which eliminated shading for the herring. We have been more mindful and we try to concentrate on man made debris and not remove branches or overhanging vegetation. We are continuing to follow up with State Fish and Wildlife.

Update: Falmouth Rod and Gun Club presentation to the Mashpee Board of Selectmen.

The Mashpee Board of Selectmen unanimously approved the Falmouth Rod and Gun Club presentation. They now have approval from both Boards of Selectmen and Conservation Commissions from Falmouth and Mashpee. The subcommittee will be meeting in early May. He said one of the biggest issues is what to do about the land and who is going to own the land. He said his feedback is if it is a land sale and it goes into a private entity that the public access will not change. The one thing that separates a lease vs a sale is that the sale opens it up to more grant money. The Rod and Gun Club volunteers indicated they would have more motivation if it is a sale.

Discussion: Mashpee Herring Run – repairs needed (photos)

The Agent showed the members some slides of the undermining underneath the wing wall at the Mashpee Herring Run. The rock gabions that were placed along the river embankment have shown signs of deterioration. He said he will ask DPW to look at it and see what they recommend. It has to be a Town entity to bring these repairs before the Conservation Commission.

Update: Upper Quashnet restoration – AFCEC correspondence/funding

The Agent said he reached out to Rose Forbes from AFCEC who contacted him about gathering some more information for the amount that was budgeted for the restoration of the Upper Quashnet (approximately \$800,000). He reached out to Steve Hurley and he was able to supply Ms. Forbes with some surface information and now she is ready to submit her budget for 2017.

Discussion: Chapter 172 Regulation 30 (Nutrient Loading)

The Agent informed the Commissioners that he researched the regulations and there is no real wording that addressed nitrogen control. He is still putting together information as to whether the regulation should stay or go or be amended. He said the resource regulations all mention water quality/water pollution as criterion that need to be met. It doesn't get any more specific so

there were no numbers in any of the other regulations. He said he will have a more comprehensive list of the regulations that deals with water quality. It seems regulation 29, 30 and the lawn standard regulation specifically mention nitrogen loading as an issue and suggested continuing the discussion at the next meeting.

Discussion: Mashpee Nitrogen Control Bylaw

The Agent addressed the nitrogen control bylaw and stated its purpose is to educate people first and foremost. Then when the word is out, enforcement can be pursued. There were suggestions on how the education process could take place: educate homeowners at a meeting in town hall, run a program on Mashpee TV and/or have articles in the newspapers.

COC Robert Najarian, 8 Bowsprit Point, Request Certificate of Compliance 43-2260

The Agent said an inspection was done to count the four bedrooms for the septic. The lawn met the standards. There was cutting of some of the native brush which needs to be addressed. The homeowner hired Mary Leblanc to come up with a restoration plan to fill in the area. The COC will not be released until the restoration is complete.

Guardrail at John's Pond Installed

The Agent had some photos of the wooden guardrail recently approved and installed for John's Pond which should take care of the trespassing.

Motion: Mr. Anderson moved to adjourn, seconded by Mr. Shaw. Vote unanimous 4-0. Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

**Judy Daigneault
Recording Secretary**